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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,587	10/16/2003	Sei-no-suke Mizuno	GOT-0018	5135

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EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,587

Applicant(s)

MIZUNO, SEI-NO-SUKE

Examiner

Kevin R Kruer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 10/16/2003 has been fully considered. An initialed copy of said PTO-1449 is enclosed herein.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 50. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al (US 4,403,004) in view of Vander Velden et al (US 5,494,745).

Parker teaches a decorative metallized laminate comprising an outer capping layer (herein relied upon to read on the claimed "transparent resin surface layer") adhesively bonded to a metallized surface (abstract). Said metallized layer is applied by vapor deposition to a thickness of 100-200 angstroms (col 4, lines 58+) and is herein relied upon to read on the claimed "metal vapor deposition layer." Furthermore, the thickness of the metallized layer taught in Parker is herein understood to be taught with sufficient specificity to read on the thickness range of claim 3. The metallized layer is applied to a base layer (herein relied upon to read on the claimed "substrate"). The base layer may comprise an amorphous polyester (col 2, lines 60+), such as polyethylene terephthalate. Furthermore, the substrate taught in Parker is understood to be "highly flexible" because it comprises the same material as applicant's base resin (see page 4, lines 2+ of the specification) and because Parker teaches said resin should not be rigid (col 4, line 50). A backing layer may be bonded to the surface of the substrate opposite the capping layer (col 8, lines 39+ and FIG 1) by conventional

laminating techniques. Said backing layer is herein understood to read on the claimed "backing material." The laminate is thermo-formable and may be applied to an underlying body in such applications as bumpers for automobiles (col 9, lines 3+ and Fig 4).

Said laminate is herein understood to inherently be sparkling and exhibit the claimed hue angle when measuring the color of said transparent resin surface layer because the laminate taught in Parker comprises the same resin surface layer and the same metal layer comprising the same metal and having the same thickness as the claimed laminate.

Parker teaches said backing layer is bonded to the substrate by conventional laminating techniques (col 8, lines 39+) but does not teach that said layers should be adhesively bonded. However, Vander Velden teaches that conventional laminating techniques include adhesive lamination (col 5, lines 41+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adhesively bond the backing layer of the laminate taught in Parker to the substrate. The motivation for doing so is that adhesives are conventionally utilized in the art to laminate layers together in order to obtain adequate interlayer adhesion.

6. Claim is rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al (US 4,403,004) in view of Vander Velden et al (US 5,4394,745), as applied to claims 1-3, 5 and 5 above, and further in view of Sidders (US 4,183,975).

Parker in view of Vander Velden is relied upon as above. Specifically, Parker teaches that an ultra-violet resistant capping layer should be applied over the metallized

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layer of the laminate taught therein. Parker does not teach that the capping layer should comprise urethane-based resin. However, Sidders teaches a vacuum metallized laminate comprising a laminate, a metallized layer, and a topcoat layer (col 6, lines 5+). The topcoat layer provides the laminate with UV radiation resistance, wear resistance, abrasion resistance, and corrosion resistance (col 6, lines 26+). Said layer may comprise a urethane-based resin (claim 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the urethane-based resin topcoat layer taught in Sidders as the capping layer of the laminate taught in Parker. The motivation for doing so would have been that said urethane-based resin provides the laminate with the required thermoformability and UV resistance while additionally providing abrasion resistance, oxidation resistance, and wear resistance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "K~R Kruer".

Kevin R. Kruer
Patent Examiner-Art Unit 1773